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International Court of Justice

H0081-0002

Official Transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 12 March 1946, 1000 to 1700, Lord Justice Lawrence presiding.

THE PRESIDENT: General Rudenko, have you concluded your interrogation?

GENERAL RUDENKO: Yes.

THE PRESIDENT: Does the French Prosecution wish to ask any questions? Dr. Stahmer, do you wish to examine further?

DR. STAHMER: No, sir.

THE PRESIDENT: Then the witness can retire.

(Whereupon the witness left the witness box.)

DR. STAHMER: I call as the next witness, Colonel of the Air Force, Bern von Brauchitsch.

COLONEL BERN VON BRAUCHITSCH, a witness, took the stand and testified as follows.

THE PRESIDENT: Will you repeat the oath after me. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may sit down if you wish.

BY DR. STAHMER:

Q What is your name?

A Bern von Brauchitsch.

Q Mr. Witness, which position did you have on the staff of the Commander in Chief of the Air Force?

A (No answer.)

Q Which position did you hold on the staff of the Commander in Chief of the Air Force?

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A I was the Military Adjutant of the Commander in Chief of the Air Force. I held the rank of Chief Adjutant. I had the job of keeping the daily journal and organizing the adjutant service. Daily the military position was to be reported--the military situation was to be reported, and, military reports, so far as they were not reported by the offices themselves. I had no command function.

Q In this activity did you know that on 25 March 1944, from the prison camp of Sagan, Stalag Luft 3, seventy-five English Flight Officers had fled?

A The official incident is known to me, because at one time it was reported that a number of Flight Officers had fled.

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Q Can you give us some information about the fate of these officers after their flight?

A The fate of these officers is not known to me.

Q Weren't you ever informed that fifty of these officers allegedly were shot while trying to escape?

A I was informed about that much later. I was informed that a number of these officers allegedly had been shot.

Q Can you tell us under what circumstances these shootings were carried out?

A No, I do not know anything about that.

Q Did Reichsmarshal Goering order the shooting or did he have any part in these measures?

A I know neither of his taking part in these measures nor of any order.

Q Do you know of the attitude of Hitler with regard to the treatment of so-called terror fliers who were shot down?

A In the spring of 1944 the losses of the civilian population by bombings increased steeply. These attacks were directed against civilians who were working in their fields, against secondary railroads and railroad stations without any military significance, against pedestrians and bicycles, all within the homeland. This must have been the reason for Hitler deciding to give orders or to issue orders concerning measures against these fliers. That is as much as I know. Hitler was for the sharpest measures, and lynching should not be prevented.

QWhat was the attitude of the Reichsmarshal of the Air Force to this order?

A The commander-in-chief and the chief of the general staff have expressed their opinion by saying that these attacks, which were solely directed against the civilians, should be condemned. However, no special measures should be taken against these fliers -- lynching and non-protection for parachutists. By the orders of Hitler, the Luftwaffe was forced to take into consideration these questions. It was desired to avoid the consequences of Hitler's opinion. A way will be found, and it was seen in the fact that measures were allegedly taken, but which should not be executed.

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Then I received the mission, which was outside of my regular functions, to confer with the OKW about the definition of terror fliers. In these conversations and correspondence, all these cases were discussed which, according to international law, could be considered as violations and criminal acts. By these definitions, lynching should be avoided. The correspondence, which took quite some time, also shows the tendency of the various officers to delay the solution of this problem. At the end of June, 1944, the definition of terror flier was stipulated. The stalag was directed to report all cases of violations but not to take any measures. By these measures the directive, in the sense of Hitler, was avoided.

Q In your opinion, therefore, could we say that the measures directed by Hitler were not carried out by the air force?

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A Yes, that can be said. It can be said that the measures directed by Hitler were not carried out. As well, the commanders of the air force can certify they had not received any orders to shoot enemy fliers or to turn them over to the SD.

Q Do you have any knowledge about the fact that the air force had received directives to take hostages or to shoot them?

A I did not know of any directive or any order which has anything to do with hostages.

Q Now one more question: Can you give us any information about the treatment of the five enemy fliers who, in March 1945, jumped into the Schorfheide and were captured?

A In March, 1945, an American bomber was shot down after an attack over the Schorfheide. Part of the crew saved themselves by jumping. Some of those were injured. The injured ones were sent to a rest center hospital. The observer, an American captain, who had been a director in Hollywood in his civilian occupation, was interrogated by the Reichsmarshal about his mission and his jump.

DR. STAHMER: I have no more questions to this witness.

THE RESIDENT: Do any other Defendants' Counsel wish to ask the witness any questions?

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q I have only a few questions to this witness. Which official position did you have when the war started?

A At the beginning of the war I was at the War Academy.

Q Can we say that the beginning of the war caused a happy sentiment among the professional soldiers?

A No, one could not say that enthusiasm would have been caused by the beginning of the war. On the contrary, we took it with great seriousness. As young soldiers, we saw out mission to train the soldiers, to educate them, and to turn them into preparedness for the protection of our country.

Q Which positions did you have, then, during the war? Were you ever in the staff of an air fleet?

A I was never active in the staff of an air fleet, with the exception

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of a short time as group commander. I was also adjutant of the commander-in-chief of the air force.

Q As chief adjutant, as you said before, with the commander-in-chief of the air force, you could get a lot of information about the Luftwaffe?

A As much as I had the material, yes.

Q Now, according to your possibility to get materials, did the chief of air fleets have any influence on political decisions or the manner in which the war was conducted?

A According to my information the chief of air fleets had no influence on any political decisions. Their job was the technical execution of the orders received, and orders about the conduct of the air war in increasing number came from Hitler himself.

Q Did these chiefs of air fleets make any suggestions to take sharper measures in the conduct of the war?

A I do not know of any suggestions in this direction given by chiefs of air fleets. They were professional soldiers who held their positions on the basis of orders.

DR. LATERNSER: I have no more questions.

THE PRESIDENT: Does any other Defendants' Counsel wish to ask any questions? Do the Prosecution wish to cross examine?

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MR. JUSTICE JACKSON: I would ask that the witness be shown document 1156-PS of the United States documents.

(witness handed document)

CROSS EXAMINATION

BY MR. JUSTICE JACKSON:

Q Do you recognize that document, witness?

A No, I do not know this document.

Q I call your attention to the date, the 20 of March, 1941, and I call your attention to the fact that it purports to be a report to Reichsmarshal Goering on the 19 of March 1941 meeting.

A During the time of my service I only took part in military conferences if they were personal conferences only at the headquarters. I have not seen this document and I do not know anything about the facts at this conference.

Q Let me call your attention to Item 2, which refers to you, I take it and which reads:

"The directives worked out by the W.I. for destructive measures to be undertaken by the Luftwaffe in the 'Fall Barbarossa' were agreed to by the Reichsmarshal. One copy was handed to Captain von Brauchitsch to be forwarded to the General Staff of the Luftwaffe."

And I ask you whether that states the facts.

A I can not remember these facts and I cannot give any more information about the contents of the letter mentioned here.

Q You knew about the "Fall Barbarossa" did you not?

A I was informed about the "Fall Barbarossa" in the beginning of 1941 for the first time. I was not present at the conference.

Q But you didknow that certain destructive measures were planned to be undertaken in connection with that by the Lufteaffe, did you not?

A I know only about the first orders of the Luftwaffe in which attacks against the airfields were ordered.

Q Did it not also provide for attacks against cities, particularly St. Petersburg?

A At the time at which this letter was written, as much as I remember, nothing was said about these targets but only about attacks against airfields, which were the main targets of the Air Force.

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MR. JUSTICE JACKSON: I will ask that the witness be shown Exhibit 735-PS, in evidence as GB Exhibit 151.

(witness handed document)

BY MR. JUSTICE JACKSON:

Q That is in evidence and appears to be a most secret document of which only three copies were made, is that correct?

A May I read this letter first before I answer the question?

Q I call your attention first to the signature at the end of it and ask you if you recognize who that signer was?

A The signature is Warlimont.

Q Who was Warlimont?

A Warlimont was the Deputy Chief of the Wehrmacht Fuehrungstab.

Q And you knew him welland he knew you well, did you not?

A I knew him from seeing him and at that occasion I spoke to him for the first time.

Q On the occasion of this meeting that is recorded in these minutes, is that the occasion when you first met Warlimont?

A Where I spoke to him first officially, yes.

Q That was on the date 6/6 of '44, when this meeting was held?

A According to this letter, yes.

Q Now, I call your attention to paragraph one of the minutes of that meeting, by which it appears that Obergruppenfuehrer Kaltenbrunner opened the meeting with a report that a conference on the question of the flyers had been held shortly before with the Reichsmarshal, the Reich Foreign Minister and the Reichsfuehrer SS. That is the opening of it, is it not?

A I know nothing about the words of this letter and of the fact of that conference.

Q Who was the Reichsmarshal at that time?

A I remember the fact because on the 6 of June the invasion started and in the night from the 5th to the 6th I called the Reichsmarshal, informed him about the beginning of the invasion and on the morning he left from Feldenstein to be in the afternoon in Klessheim.

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Q And this meeting is said to have been held in Klessheim on the afternoon of 6/6, isn't it?

A I have said once before that I do not know anything about the meeting as such and the content of the meeting.

Q Yes, I understand, you were not present. That was between the Reichsmarshal, who wasGoering, was it not? Goering was Reichsmarshal at that time, was he not?

A Yes.

Q Ribbentrop was Foreign Minister at that time, was he not?

A Yes.

Q And who was the Reichsfuehrer SS?

A Himmler.

Q Now, it was as a result of that meeting at which the Foreign Minister -- just follow the next sentence -- "The Foreign Minister who wished to include every type of terror attack on German civilian population."

It was agreed that this conference, which you did attend, was to take place; is that not the sense of the first paragraph?

A I was not at this meeting and secondly, I do not know anything about the contents of this meeting, of this conference, as I have said before.

Q Well, were you not at the meeting with Kaltenbrunner which Kaltenbrunner called?

A I was not at the meeting with Kaltenbrunner, which is mentioned here.

Q Despite the signature of Warlimont on these minutes which says you were?

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A I say this is spite of the signature but maybe I can read the whole document before I give a definite answer.

Q Read the last sentence. Witness, I may be misinterpreting this. It does not say you were present but it does say that you gave them this information. I ask you to look at the last paragraph and say whether that is not true?

A The last paragraph in this document before the signature can only refer to a conference which, if I remember correctly, took place on the 6th late in the afternoon in General Warlimont's house and which I have mentioned in my statement before.

Q I think I was confused about the two meetings and that these minutes do not show you to have been present. There was such a conference as Warlimont describes but it was not the same conference at which Kaltenbrunner was present, is that correct?

A Yes, that is correct. I only know of this one meeting on the 6th late in the afternoon, between Walimont and myself.

Q And that is the conference to which he refers in the third paragraph?

A No, the conference in the afternoon has nothing to do with the first paragraph, which I just read and there is no connection between the two.

Q T he third paragraph had no connection with the first meeting, you say?

A Paragraph three has no connection with paragraph one because I had no knowledge of paragraph one. I mentioned before that I had the mission to confer with the OKW about the definition of acts which were to be considered as violations of international law and crimes.

Q Let us ask it once more so we will have no misunderstanding about it. The conference referred to in paragraph three of Warlimont's minutes is a conference between you and him later that afternoon and had nothing to do with the Kaltenbrunner conference which was held earlier in the day.

A Yes.

Q Now, what was the situation in the beginning of 1944 with reference to the bombing of German cities?

A The situation was such that the air war increased in intensity and in the beginning of '44 it was very strong.

Q That was becoming very embarrasing to the Reichsmarshal, was it not?

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A Of course it was very disagreeable for the Air Force that their defensive forces were too weak to stave off these attacks.

Q And they were being blamed somewhat and the Reichsmarshal was being blamed for the air attacks, was he not?

A Of course, that goes without saying.

Q And the Reichsmarshal was in the embarrassing position of having assured the German people back in 1939 that they could be protected against air attacks on the German cities. You understood that fact, did you not?

A I understand that that is the fact but I also know that the conditions in 1939, which led to this statement, had an entirely different background than in 1944, because in 1944 the entire world was against us.

Q But the fact was that German cities were being bombed and the German people had looked to the Reichsmarshal to protect them, isn't that a fact?

A It is clear that the German people expected that the Air Force with all means at their disposal would go against these attacks.

Q Now, what were the relations between Goering and Hitler at this time?

A May I ask to have the question repeated? I did not understand it clearly.

Q What was the relation between Goering and Hitler and was there any change that came over the relationship as this bombing of German cities progressed?

A T he relations between the Reichsmarshal and the Fuehrer were doubtless worse than they had been before. Whether that was only based upon the conditions caused by the air warfare is not known to me.

Q You were very close to Reichsmarshal Goering throughout this period, were you not the entire period of the war?

A I do not know what you consider close. The relation of a commander-in-chief to his adjutant, that is what it was.

Q Well, you were particularly friendly; he had great confidence in you and you had great regard for him. Isn't that a fact?

A I can affirm that but frequently -- well, conferences about the motives which the Reichsmarshal may have had we did not have.

Q You were with him on the 20th day of April, 1945, when he sent the telegram proposing to take over the government of Germany himself and was

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arrested and condemned to death?

A Yes, I was present at that time.

Q And the SS seized you and the Reichsmarshal and several others and searched your houses, seized all your papers, and took you prisoner, did it not?

A It is correct that on the 23rd of April at 19 hours we were surrounded. The Reichsmarshal was led to his room and from that moment on never remained without personal guard; that we were put in single custody and separated from him and that we executed by the troops of the SS, who were stationed at the Berghof.

Q And this occurred at Berchtesgaden?

A That happened at Berchtesgaden.

Q I think you have told us that you were all supposed to be shot by the SS at the time of the surrender and were supposed to approve it by your own signature. Is that correct?

A No, that is not quite correct.

I know that an order existed indicating that the Reichsmarshal with his family and those surrounding, at the time of the capitulation in Berlin, should be shot.

The second thing you mentioned is different. We should have been -- we were about to be forced to volunteer for the SS. One has to say that the SS leaders did not want us there at that time and we were not forced to execute that order. At that time, however, we were already separated from the Commander-in-Chief.

Q What was the state of your knowledge about the activities of the SS? What was the SS and what was its relation to the Wehrmacht at this time? What was its relation to the Air Force? Tell us about the SS.

A I can only say that as such, from the word SS, a lot could be understood. Speaking of the SS, SD, Gestapo, Waffen SS, they were entirely different units. The Gestapo, as such, was a means of pressure which prevented a great deal of free development.

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Q And the SS likewise, as a matter of fact?

A The Waffen SS was the military organization, the troops. I, personally, did not have any bad experiences with them, no difficulties, no friction with them.

Q But what about the SS proper? Brauchitsch, you know this situation about the SS, I am sure, and you impress me as wanting to tell us candidly what you know about this situation, and I wish you would tell us a little, what the influence of the SS was on these situations.

A I pointed out once before that as a purely military adjutant I am only able to give you information about the Air Force, but I am not in a position to say anything about general things about which I have no technical knowledge, just a subjective opinion.

Q Well, wasn't the SS the subject of a good deal of discussion among you officers, and wasn't everybody aware that the SS was an organization like the Gestapo that was repressive and cruel?

A In the Air Force we had so many worries ourselves about the increase of the air power of the enemy that these worries kept us busy, more than sufficiently.

Q But you knew, did you not, about the campaign against the Jews of Germany and the Jews of occupied countries?

A I was not informed about the campaign against the Jews as it was pointed out here and as it went through the press.

Q Well, I don't want to interrogate you from what is in the press, but do you want the Tribunal to understand that you had no knowledge of a campaign against the Jews in Germany?

A I only know about the cruelties and the extermination about which I have now read in the press. I did not know at the time.

Q Your father was Field Marshal, was he not?

A Yes.

Q At what period was he Field Marshal?

A Field Marshal is a military rank which he had from 1940 until now.

Q He has never been deprived of his rank, is that a fact?

A He was never deprived of his rank.

Q There came a time when your father, as you knew, disagreed with

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Hitler as to military programs?

A I know that my father at one time had great difficulties with Hitler concerning political and military questions.

Q Did you not say to the interrogator who examined you for the United States that he retired from active command in 1941?

A Yes.

Q And what did you understand to be the reason . s retirement?

You gave the reasons as follows, that neither in t military nor in the political considerations did he see eye to eye with itler, and could not come to any accord, and since he could not make his own opinions prevail, he desired to manifest his dissent by resigning, and that specifically also referred to religious questions.

A Yes.

Q That is true, is it not?

A That is correct, and I will stand for it.

Q I hope you are proud of it, sir.

You were also asked this:

"And from 1941 to the end of the war, do you know what he was doing?"

And you answered:

"Well, he had, through his second wife, a little house in a small town in Silesia, Bockenheim, and he occupied himself with studies of family history and also with forestry, economics, and hunting work, but did not take any share" --

A (Interposing) That was military history only, with economic questions

Q Beg pardon. I didn't get that.

A He was only interested in economic questions and hunting, but not in military questions.

Q Not in military, yes.

" -- but did not take share in any sort of bloody political endeavors."

You said that, did you not?

A May I ask to hear the question once more.

Q This is your answer in full. You interrupted me. This is your answer to the interrogator:

"Well, he had, through his second wife, a little house in a small town

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in Silesia, Bockenheim, and he occupied himself with studies of family history and also with forestry" -- and, they have down -- "economics, and hunting works, but did not take any share in any sort of bloody political endeavors."

And, with the exception of economics, you still stand by that answer, don't you?

A I have never said that he ever took part in bloody things. It must be an error. I have never seen that protocol any more. I have not signed it

Q I have not made myself clear. You said he did not take part in any bloody political endeavors. That is what this says you said.

A He did not take part, but I have not said anything about bloody or any political endeavors.

Q You didn't use those terms in the examination?

A No, I cannot remember that I said that. I have not signed that protocol and I didn't see it any more after the interrogation.

Q And you say that you did not use those words on the 26th of February 1946 to Captain Horace Hahn, Interrogator?

A I say I have not used any expression about bloody endeavors or such, because that expression is foreign to me. I do not know in what connection I would have mentioned it.

Q Well, you don't know of any that he did partake in, do you?

A No. My father retired, yes.

Q Absolutely from this whole Nazi outfit. He cut his strings with them and retired to a little village rather than go on with the program he didn't agree with, didn't he? Isn't that a fact?

A Yes.

DR. PECKMANN (Counsel for the SS): I believe that I do not have any more formal right to question this witness after Justice Jackson has interrogated him, but I would be grateful if I would be permitted to since Justice Jackson questioned the witness also about the SS.

THE PRESIDENT: The witness' statement about the SS was that he knew nothing about it. I don't know what ground that gives for your cross examination.

DR. PECKMANN: He was asked whether, on Obersalzburg, he was guarded

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by the SS who als had orders to shoot him and to shoot Goering. I would like to clarify whether that was SS or SD.

THE PRESIDENT: Very well.

RE-DIRECT EXAMINATION

BY DR. PECKMANN:

Q I ask the witness, therefore: Do you know whether these people whom you have just mentioned were members of the SS or SD. Do you know the difference, Witness?

A I know the difference generally. I believe that the troops which had the mission of guarding us were SS, but that the Sicherheitsdienst had the special order.

DR. PECKMANN: Thank you.

THE PRESIDENT: Do any of the other counsel for the Prosecution wish to cross-examine?

Dr. Stahmer, do you wish to re-examine?

DR. STAHMER: I have only two short questions.

BY DR. STAHMER:

Q Witness, can you tell us something as to how the relations between the Reichsmarshal and Himmler were?

A As much as I am informed about that and therefore could give information, there existed between Himmler and Goering a relation which on the outside looked very careful, but one could not talk of the real relation between the two.

Q Can you tell us something about whether the German people, until the last moment, still trusted the Reichsmarshal, and there was special confidence in the Reichsmarshal? Can you tell us about any particular incident?

A I can mention two cases.

The first one was at the end of '44 or the beginning of '45 -- I cannot say the exact date -- in a public air raid shelter. The Reichsmarshal was without any guards, and he spoke to the people and they greeted him with the old slogan "Hermann, halt die Ohren steif", Hermann, keep your chin up.

Another example was on the trip from Berlin to Berchtesgaden, the night of the 20-21 April. On the morning of the 21st, towards noon, the Reichsmarshal arrived at a town in Sudetengau, Bohemia, where a short stop-over was made,

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and where, after a short time, the market place was filled by people. He was asked for his autograph, and we could not get him out of the crowd with his own car. Here also, he was greeted by the old shout, "Hermann."

DR. STAHMER: I have no more questions.

THE PRESIDENT: The witness may retire.

DR. STAHMER: As next witness, I name State Secretary Paul Koerner.

PAUL KOERNER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Is your name Paul Koerner?

A Yes.

Q Will you repeat this oath after me:

I Swear by God, the Almighty and Omniscient, that I will speak pure truth, and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may sit down if you wish.

DIRECT EXAMINATION

BY DR. STAHMER:

Q Witness, which official position did you have before the capitulation?

A I was the State Secretary of the Prussian State Ministry.

Q In this office were you one of the collaborators of the Reichsmarshal?

A Yes.

Q When did you first meet the Reichsmarshal?

A In the year 1926.

Q When were you picked as collaborator?

A At the end of 1939.

Q In what function?

A I was his secretary.

Q When were you taken into the Civil Service?

A April 1933. Pardon; the previous date was '31.

THE PRESIDENT: The translator said the previous date was 1931; which date was 1931?

DR. STAHMER: In 1931 he first became Goering's private secretary. In 1933 he entered the Civil Service.

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BY DR. STAHMER:

Q Which office did you hold?

A I became State Secretary of the Prussian Ministry.

Q What do you know about theinstitution of the Secret State Police, the Gestapo?

A The Secret State Police was established in the first months after the seizure of power, was developed from the Political Police Department 1-A. Basically, the Political Police Department remained in existence, only it was newly formed, and got the name of the State Police.

Q What was their mission?

A They had to watch enemies of the State.

Q Are you informed about the establishment of concentration camps?

A I know that at that time concentration camps were established.

Q What purposes did they serve?

A They were supposed to house enemies of the State.

Q What do you mean by "house"?

A Hostile enemies, elements hostile to the State, should be put into these camps.

Q And what should be done with them there?

A They should be taken into custody, and, as far as I know, a reeducation should take place in order to be able to return them to the mission.

Q Do you know anything about the treatment which took place there?

A As far as I know, the treatment was always good.

Q Did you ever hear anything about so-called wild concentration camps?

A Yes, in 1933, in various places, wild concentration camps were established.

Q By whom?

A I remember that one was established in Breslau by SA Obergruppenfuehrer Heines; one in Stettin. Whether there were any others, I do not know.

Q In Stettin? Who was it in Stettin?

A I think it was Karpfenstein, but I cannot be sure about it.

Q And what became of these camps?

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A When the Reichsmarshal heard about it, he had them dissolved because they were established without his approval.

Q What was the Reichsmarshal's attitude to complaints?

A Oh, he always went after the complaints; he went to the sources of the complaints.

Q Do you know of any case where he took special measures?

A Yes.

Q How was it?

A They had heard that the treatment had not been such as the Reichsmarshal wanted. He tried to get information about it and then had the man brought before him.

Q Who was Thaelmann?

A Thaelmann was one of the leaders of the Communists and he was a Communist member of the Reichstag.

Q And how did the Reichsmarshal speak to Thaelmann?

A He asked him to come into his office and requested that he tell him anything, why a complaint had been sent.

Q And then?

A Thaelmann was very reticent at first, because he feared an offense, but it became clearer to him, after the Reichsmarshal spoke very plainly to him, that he could speak freely. Then he told the Reichsmarshal that he had not been treated correctly. The Reichsmarshal promised to do something about it immediately, and gave the respective directives; and he also suggested to Thaelmann that whenever such things occurred again he should report about them immediately. He also gave orders that whenever any complaints should come from Thaelmann, they should be sent directly to him.

Q Do you know how long the Gestapo and the concentration camps were under the competence of the Reichsmarshal?

A Until the spring of 1934; I believe it was March or April.

Q Under whose competence did they come then?

A Upon orders of the Fuehrer, they came under the competence of Reichsfuehrer Himmler.

Q What do you know about the events regarding the Roehm revolt on the 30th of July, 1934?

A That a Roehm revolt was planned I found out about when I was in Essen, where we were present at the wedding of Gauleiter Roehm. During the wedding ceremony Himmler reported to the Fuehrer. Later the Fuehrer confided in the Reichsmarshal and told him about the plans of Roehm.

Q Do you also know what he told him?

A I can only say that what Himmler told the Fuehrer was also brought to the knowledge of Goering.

Q Do you know any details?

A No, I do not know any more details, but that is sufficient.

Q What directives did Goering receive?

A The Fuehrer directed Goering, after the wedding, to return to Berlin at once, and the Fuehrer went to Southern Germany to investigate these reports personally.

Q When was that wedding?

A So far as I remember, that was two days before the Roehm putsch.

Q Do you know whether on the day after the Roehm putsch, the Reichsmarshal was to see Hitler?

A No. The Reichsmarshal was in Berlin. We returned, the same evening to Berlin.

Q Yes, and on the day after the Roehm putsch, after the 30th?

A The Reichsmarshal was in Berlin.

Q Do you know anything about whether there was a conversation between him and Hitler?

A Yes. I remember that the Reichsmarshal drove to the Reich Chancellery to report several things to the Fuehrer, especially that the Reichsmarshal had been informed that on that occasion innocent people also could have been, or were the victims. Therefore, he wanted to ask the Fuehrer to stop the whole action immediately.

Q Was that done?

A Yes, that was done.

Q In what form, or in what manner?

A After the report of the Reichsmarshal to the Fuehrer, the Fuehrer personally issued directives that no wild actions should take place any more, that the actions were finished, and if any guilty people were found they would be sent to courts, which had to decide whether any action should be taken against the men or not.

Q Do you know anything, or can you tell us something about whether the Reichsmarshal had anything to do with the action of the 8th and 9th of November, 1938, against the Jews?

A No, the Reichsmarshal had nothing to do with it and had no idea of it.

Q How do you know?

A Because I was with the Reichsmarshal on the 9th of November in Munich, and on the same evening we went to Berlin. If the Reichsmarshal had known anything, undoubtedly he would have told me, or those who were around him. He had no idea.

Q When did he find out about it?

A He found out shortly before he arrived at Berlin, at the Anhalte Station at Berlin.

Q Through whom?

A Through his adjutant.

H0081-0022

H0081-0023

Q And what was his attitude when he got this information?

A He was furious when he received that report, because he rejected the entire action as such.

Q And what did he do about it?

A He got in touch with the Fuehrer immediately, in order to demand that this action be stopped immediately.

Q Which task did you have within the framework of the Four-Year Plan?

A I was Chief of the Office of the Four-Year Plan.

Q Which jobs did you have?

A To head the office, supervise the work.

Q How did the Four-Year Plan come about? When was that, and how did it start?

A The Four-Year Plan was proclaimed in October of 1936, but the history goes back to the nutritional crisis of 1935. In the fall of 1935 the Reichsmarshal received the order--

THE PRESIDENT: Witness, try not to go quite so fast. It is very difficult to get the translation.

THE WITNESS: Yes, sir.

A (Continuing) In the fall of 1935, the Reichsmarshal received the order from the Fuehrer to assure nutrition for the German people since, because of the bad harvest of 1934 and 1935, that was in danger. We were short about two million tons of bread grain and several hundred thousand tons of fat, which had to be procured some way or another.

The Reichsmarshal solved this problem satisfactorily, and that caused the Fuehrer to ask him for suggestions as to how the entire German economy could be reorganized. These proposals were worked out at the first of the year 1936, and during the summer were presented to the Fuehrer.

On the basis of these proposals, the Fuehrer had the idea of the Four-Year Plan, which he proclaimed on the occasion of Party Day in 1936. On the 18th of October, 1936, the Fuehrer issued a decree which appointed the Reichsmarshal Plenipotentiary for the Four-Year Plan.

Q What were the purposes connected with the Four-Year Plan?

A As I said before, to reform and reorganize the German economy. The main

H0081-0024

task was to increase German export as much as possible, and to supplement exports so as to increase the production of agriculture.

Q Was the Four-Year Plan a means of rearmament?

A Of course, it also served for the reestablishment or the rebuilding of the German Wehrmacht, the Army.

Q Did the Four-Year Plan have anything to do with manpower?

A Yes. Within the Four-Year Plan a Plenipotentiary for Manpower was appointed. He was the former President of the Reichsamt, President Syrup.

Q When was he appointed?

A That was at the beginning of the Four-Year Plan, in the fall of 1936.

Q What were his tasks in particular?

A He had to regulate the Arbeitseinsatz, so that the confusion which existed in the labor market could be ended.

Q How long did Syrup remain in office?

A Syrup left in the spring of 1942, for reasons of illness.

Q Who was his successor?

A His successor was Gauleiter Sauckel.

Q Who appointed Sauckel?

A Sauckel was appointed by the Fuehrer.

Q And what was his job?

A His main job as Plenipotentiary for the Arbeitseinsatz, manpower, was that he had the job to regulate manpower problems. He was formally under the Plenipotentiary for the Four-Year Plan, but he received his directives immediately from the Fuehrer.

Q In what manner did you work for that?

A From the beginning, 1942, I had no more influence so far as manpower was concerned, since Sauckel received his directives from the Fuehrer and executed them independently.

Q Didn't you have any more negotiations with Sauckel?

A No. There had been no negotiations, so far as I remember, since he received his directives immediately from the Fuehrer.

Q Who disposed of the manpower? Who distributed it?

A The labor offices, and they were under Sauckel.

H0081-0025

Q What was the relationship between the Reichsmarshal and Himmler?

A It was not a very good one. Frequently there were tensions. There was no confidence between the two.

DR. STAHMER: I have no further questions.

THE PRESIDENT: Do any other defendants' counsel wish to ask any questions?

(No response)

Do the prosecution wish to ask any questions?

CROSS EXAMINATION

BY MR. JUSTICE JACKSON:

Q In your testimony you made some references to a conference between Goering and Thaelmann.

A Yes, I did.

Q Will you tell us when that occurred?

A That must have been in the summer of 1933.

Q In the summer of 1933? Was that before or after the Reichstag fire?

A That was after the Reichstag fire.

Q And Thaelmann was accused in the Reichstag fire and acquitted by the court, was he not?

A I cannot remember that very well.

Q Do you remember it at all? Do you remember that he was accused?

A I cannot remember that very well, whether he was accused. That may be.

Q Do you know where he died?

A No, I don't know.

Q Do you know that he was interned in Buchenwald after the Reichstag fire and remained there until he died in 1944? Did you know that?

A Yes, I remember that he was a victim of an air attack.

Q And where was he when this air attack overtook him?

A Where Thaelmann was? I did not quite understand the question.

Q Where was he when he was a victim of an air attack?

A As much as I have heard, he was allegedly in the concentration camp of Buchenwald.

Q And how long had he been there?

A That I don't know; I have no knowledge of that.

H0081 - 0026

Q Were you present at the conversation between Thaelmann and Goering?

A Yes.

Q What did he complain about then in the concentration camp?

A About treatment during interrogations.

Q That was the only complaint he made?

A Yes, so far as I can remember. The Reichsmarshal asked him whether he had good food, and they were discussing everything, treatment and food.

H0081 - 0027

Q And Thaelmann foundno fault with the concentration camps except treatment during interrogation.

A Yes, as far as I remember, that was the main complaint.

Q Were the Communists regarded by the Nazis as enemies of the country?

A Yes.

Q And concentration camps, then, were built then to house Communists, among others, were they not?

A Yes.

Q And Jews?

A As far as they were known as enemies of the State.

Q Were Jews also regarded as enemies of the state?

A Generally not; only after they had been recognized as such.

Q Recognized as such -- what, Jews?

A No, if a Jew was recognized as an enemy of the State he was treated as an enemy of the State.

Q What was the test as to whether he was an enemy of the State?

A Well, his attitude, his active participation in actions hostile to the State.

Q Such as what? What actions?

A That I cannot say in detail now. I was not chief of the Gestapo, and I do not know the details.

Q Were you not with Goering ashis secretary during the time he was chief of the Gestapo?

A In April, 1933, I became State Secretary of the Prussian State Ministry.

Q And didn't you have to do with concentration camps under the Secret Police as such?

A No, I had nothing to do with that.

Q Who handled that for Goering?

A That was the Ministerialdirektor, Diehls.

Q Did you know that in setting up the Secret State Police Goering used SS men?

A I cannot remember that any more.

H0081-0028

Q You were a member of the SS, were you not?

A Yes.

Q What was your office in the SS?

A I never held any office in the SS. I was just a member of the SS.

Q Were you not Obergruppenfuehrer?

A Yes, I was an SS Obergruppenfuehrer.

Q Now, as to these "wild" concentration camps, you were asked who set those wild concentration camps us, and I don't think you answered. Will you tell us about who set up the wild concentration camps?

A I remember two camps. In the caseof one, I know it was one Gruppenfuehrer Heines, in Breslau.

Q Gruppenfuehrer of what?

A SA Gruppenfuehrer Heines, in Breslau.

Q Who was the other?

A That I don't know precisely. I believe it was Karpfenstein, but I cannot be sure of that.

Q Who was he?

A Karpfenstein was Gauleiter in Stettin.

Q And the Gauleiter was a Party official?

A Yes, he was a Party official.

Q And the concentration camps were designed to take care of not only enemies of the State but enemies of the Party, were they not?

A Yes.

Q And in his absence the State Secretary of the State Ministry was to act as chief of the State Secret Police?

A No, that was Diehls.

Q Was that not the law, whatever was done about it? Did you not know that that was the law under which the Secret State Police was set up, Section 1, Paragraph 2?

A I cannot remember what law any more. I do not know the details any more.

Q Do you know the law of November 30, 1933 -- you don't know the law under which you were operating?

H0081 - 0029

A I do not remember that law now. I would have to see it again.

Q Now, what was wrong with these concentration camps that they had to be closed out?

A These wild concentration camps had been established without the approval of the Prussian Prime Minister and therefore he prohibited them immediately.

Q That is the only reason, that they were set up without his authority?

A I believe, yes.

Q And he had them stopped immediately?

A Immediately stopped, yes.

Q Goering did not tolerate concentration camps that were not under his control and the Fuehrer backed him up in it, is that right?

A Yes.

Q Now, from time to time complaints came to you about the treatment of people in concentration camps, all during the time you were with Goering, did there not?

A Those -- yes, there were frequent complaints; that is true.

Q What did they complain of?

A There was naturally --

Q Tell the Tribunal what the complaints were that you had to deal with.

A Well, mostly they were relatives of the people who had been brought to concentration camps and they asked for their release; or made complaints because they thought they had reasons that these people had been brought to the concentration camp unjustifiably.

Q That is, that they were innocent people, innocent of any offense?

A The relatives asserted that.

Q Did you do anything to get them released from concentration camps?

H0081 - 0030

A T he Reichsmarshal had ordered that all complaints had to be considered and investigated, and it was immediately done.

Q And did you find that many of these people were innocent, or did you find that they were guilty?

A If there was a case among them were somebody had been brought into a concentration camp and he was innocent, he was released immediately.

Q And to whom was the communication given, that he had been found innocent and was to be released from the concentration camp?

A That was sent to the Secret State Police, Gestapo.

Q What at the Secret State Police? Who was the man you communicated with?

A Whoever was competent in these matters. In detail, I do not know. The chief, as far as I remember, was first Heydrich and then Kaltenbrunner and then Mueller.

Q Goering was on good terms with all of those, was he not?

A Yes.

Q Well-acquainted with all of those men?

A Well-acquainted, of course.

Q Now, when you say that Goering obtained the release of people from concentration camps, are you talking about just one or two cases or did he obtain the release of a good many people?

A Throughout the years, of course; there were several cases -- a number of cases.

Q What do you mean by "several"?

A Well, I cannot tell the number now. At any rate, there was quite a number of cases where people had been released.

Q Did you find any where the people were guilty when you investigated?

A If they could not be released, then they were guilty.

Q Who decided that?

A That, as far as I know, was decided by the chief of the Secret State Police.

Q Well, then, what did you do in requesting their release? Did you advise the Secret Police that you disagreed with their conclusion that the man was guilty, or did Goering simply order the man released or request his release?

H0081 - 0031

A No, they were told what reason there was that the man should be released.

Q Do you know of any instance in which Goering requested the release of a person from a concentration camp where it was not granted?

A I cannot say that now. I have to think it over -- think about it.

Q You can't recall any today, can you, in which Goering's word requesting a release was not honored?

A At this moment I cannot remember any particular case.

Q How many people were put in concentration camps as a result of the Roehm revolt?

A That I cannot say either.

Q How many people were killed as a result of it?

A I cannot say that from memory any more. As far as I know, these figures were published at the time.

Q Well, would it be a couple of hundred people that were killed for it?

A I would not like to state a figure, because I may be wrong.

Q Well, it was a very large number of people, wasn't it?

A No, I am sure it was not a very large number. The number was published at that time. One could investigate that and find out.

Q Well, why did the Reichsmarshal want Hitler to stop punishing the people who had been a party to the Roehm revolt?

A I did not quite understand the question.

Q I understood your testimony to be that the Reichsmarshal went to Hitler at some time and wanted this campaign against people who were in the Roehm revolt stopped. And I want to know why he wanted it stopped?

A So as to prevent the suffering of innocent people, so that only the absolutely guilty should be caught and punished. It was clear that during that action one or the other would like to take personal revenge and do away with his personal enemy, and in order to stop that, this action should be stopped immediately and only regular courts pass upon the matter.

H0081-0032

Q Who was in charge of the selection of the people who were shot or otherwise killed as a result of the Roehm revolt?

A The Fuehrer personally ordered it.

Q And the Reichsmarshal had sufficient influence to stop that immediately when he complained?

A At that time, yes, the Reichsmarshal had absdutely that influence.

Q In connection with this Four Year Plan, you say that it was its function to regulate the confusion in the labor market?

A Yes.

Q Now, you represented the Reichsmarshal in many meetings, did you not?

A Yes.

Q And was not one of your functions to get prisoners of war to work in the armament industry and other industries that needed labor?

A No.

Q You never had anything to do with that?

A The job potential for the Four Year Plan demanded, of course, prisoners of war for Arbeitseinsatz.

Q You attended many meetings when that was discussed, did you not?

A I could not recall that from memory.

Q Did you report to the Reichsmarshal what happened at those meetings?

A If questions of a general nature were discussed, always a report was made and presented to the Reichsmarshal.

Q You were a member of the Central Planning Board, were you not?

A Yes.

Q And you were representing on that Board the Reichsmarshal?

A No. I did not represent the Reichsmarshal. It was a group of three men -- Speer, the Field Marshal, and myself. Central Planning was created in the spring of 1942.

Q Who appointed you?

A The three of us were appointed to the Central Planning Board.

Q Who appointed you?

A As much as I remember, it was Goering.

Q And you reported to hi, did you not, what occurred from time to time?

H0081-0033

A The Central Planning Board was nothing else than an institution to distribute raw materials. We met every three months in order to establish the contingents for the forthcoming quarter year. The Four Year Plan, together with the Ministry of Economy, took care of that, and later the Central Planning Board.

Q Now, do you want us to understand that the Central Planning Board only met every three months?

A Yes, about. Only in very rare cases it was called again, especially if there were urgent problems to be solved. I remember one case where agriculture did not get enough nitrogen and there was danger that if the quota of nitrogen was too small, agricultural production would suffer. We then asked for a discussion, which took place in the Central Planning Board.

Q Would you testify that Sauckel did not report to the Central Planning Board at a meeting at which you were present that out of all the labor that came to Germany--only 200,000 came voluntarily--out of the millions who came only 200,000 came voluntarily?

A I can not remember that.

Q Do you say that the Central Planning Board never discussed labor questions?

A No, in the Central Planning Board, only the demands for labor were also taken into consideration, and the institutions which got the raw materials demanded also the workers which they needed, and the figures were given to us and were forwarded to the Plenipotentiary for the Arbeitseinsatz Front.

Q What about prisoners of war?

A In that the Central Planning Board was not interested at all, because the Central Plan ning Board only got general figures of workers. For instance, a branch of an industry was short so-and-so many thousand workers, and that was put with the demands for raw materials.

Q What about concentration camp labor?

A The distribution of labor was done by thelabor offices. Central Planning had nothing to do with that.

Q Are you familiar with a letter dated 9 March 1944, reciting that 36,000 concentration camp prisoners were now being used and wanting an increase to 90,000?

H0081-0034

A I do not know about these demands.

Q Do you know about the use of Russian prisoners of war in manning anti-aircraft guns?

A No.

Q After Goering closed the wild concentration camps, as you call them, did you know that the number of concentration camps increased very greatly in Germany?

A That I do not know. What happened after they were turned over to Himmler is beyond my knowledge. It may be that a large number of concentration camps was established then.

Q How do you come to know about Goering's relations with Himmler? What he told you?

A Because I could observe that continuously. Goering once has spoken about it, and I could observe that relations were in no way good ones.

Q Do you know about the appointment of Kaltenbrunner as head of the Austrian State Police after the Anschluss?

A No.

Q Do you know who obtained that appointment for Kaltenbrunner?

A No, I have no idea.

Q Now, you say that Goering and you were in Munich on the night or nights of the anti-Jewish riots in Germany?

A Yes.

Q Was Goebbels there also?

A No.

Q Go ahead; do you want to say something else?

A We went on 9 November from Munich to Berlin, and Goebbels could not be there then.

Q Why could he not be there?

A Because the Reichsmarshal, with his people, in his train, went to Berlin.

Q I mean, did you know that Goebbels was in Munich before these uprisings?

A Yes, that I found out later--that Goebbels was in Munich. All National Socialist leaders were in Munich because 9 November was a day when everybody met.

Q And Goebbels spoke in Munich, did he not? On the Jewish question that night?

H0081-0035

A That I do not know. I do not know that speech.

Q Goering was there to attend the meeting of the National Socialist leaders, was he not?

A Yes, on 9 November the entire leadership of the National Socialist Party met in Munich. That was a general meeting every year.

Q And Goering attended regularly?

A Of course he did.

Q And you did?

A I did also, yes.

Q Now, Hess attended?

A As I said, all National Socialist leaders, if it was at all possible to participate, always participated on this day. Nobody ever was missing except if he was ill or had any special duties to perform.

Q What of the defendants in the dock attended these meetings? Ribbentrop, of course?

A Ribbentrop, surely.

Q Keitel?

A I assume so. I do not know. I have never seen Kaltenbrunner because Kaltenbrunner got into the public service only during the last years, and during the last years, these meetings did not take place quite in the same fashion as before.

Q Rosenberg, of course, was there?

A Of course, as I said before.

Q And Frick?

A Surely, certainly Frank and Frick. Not during the last years, I don't think so. Before that he certainly participated.

Q Which was that, during the last years?

A As much as I know, Streicher did not participate during the last years, but I do not know for sure.

Q He was participating along in November 1938 when these Jewish uprisings were, was he not?

A I believe so, because at that time Streicher was in Nurnberg.

Q He was very active, was he not?

A I did not understand the question quite correctly.

H0081-0036

Q He was very active in the anti-Jewish matters, was he not?

A Yes, that was generally known.

Q And did you see Funk at those meetings?

A I believe that Funk was frequently at these meetings.

Q What was the subject considered at this meeting of 9 November, the night of the Jewish uprising?

A I do not know that anything was talked about that, because there was always a fixed program on that day, and I do not know anything about that, and I do not think the Reichsmarshal knew anything about that.

Q Who was the adjutant who informed him on his arrival the next morning that something had happened during the night?

A I can not say that anymore because the adjutant changed. I only know that an adjutant came and made the report.

H0081-0037

Q What did he say that happened?

A He reported that during the night excesses against the Jews had taken place and that these excesses were continuing; that windows were broken; merchandise thrown into the streets; and so on, and Goering was infuriated.

Q What was he infuriated about?

A About all these excesses.

Q You mean that he was taking the part of the Jews?

A About the entire action.

Q You mean that he was taking the part of the Jews?

A Goering always had a different attitude about the Jewish question.

Q You just tell us what it was; you go as far as you want; tell us what his attitude was.

A His attitude was always a moderate one toward the Jews.

Q Such as fining them a billion Reichsmarks right after the fire; right after these outrages? You know that he did that, don't you?

A Yes. That had been demanded by the Fuehrer.

Q You know that the Fuehrer is dead, don't you? Do you know that for a fact?

A Yes, I know he is dead.

Q That is generally understood, is it not, among all of you that the Fuehrer is dead?

A Yes, yes.

Q So the Fuehrer ordered the Reichsmarshal to levy a billion-Reichsmark fine? Who ordered the confiscation of the insurance.

A Yes.

Q Who ordered the confiscation of the insurance of the Jews a few days after this assault?

A That I don't know. I don't know the details any more.

Q Don't you remember that that was Goering's order?

A I do not recall it. I do not recall it now.

Q Why did Goering go to Hitler to get this stopped? Why did he not go to the head of the police, which is supposed to prevent crime?

H0081-0038

A Of course he went to the highest chief so that an authorative order could be given that the excesses should stop immediately.

Q Did he have any idea who had started them?

A It was talked about, the fact that Goebbels allegedly had caused these excesses.

Q Did he knw that the Gestapo and SS also participated?

A I don't know. As much as I know the SS did not participate.

Q Did the Gestapo?

A No; I don't know anything about that.

Q So he went to Hitler to complain about Goebbels inciting these riots,; is that the fact?

A Yes, that is correct.

Q So thathe knew the next morning that these riots had been incited by members of the government against the Jews?

A Yes.

Q You were interrogated at Obersalzberg, the interrogation center, on the 4th of October of last year by Dr. Kempner of our staff, were you not?

A Yes.

Q And you stated in the beginning of your interrogation that you would not give any testimony against your former superior, Reichsmarshal Goering, and that you regarded Goering as the last big man of the rennaissance; the last great example of a man from the rennaissance period; that he had given you the biggest job of your life and it would be unfaithful and unloyal to give any testimony against him; is that what you said?

A Yes, yes; that is just about what I said.

Q And that is still your answer?

A Yes.

MR. JUSTICE JACKSON: No further questions.

THE PRESIDENT: Do any other members of the prosecution wish to examine this witness?

BY GENERAL RUDENKO:

Q Perhaps you can remember, Mr. Witness, about the conference of

H0081-0039

political leaders in the occupied countries and territories which took place on the 6th of August, 1942, under the presidency of defendant Goering.

A I can not remember what conference that should have been.

Q Perhaps you can recall, as a result of this conference on the 6th of August, that you directed to all the ministers the minutes of this meeting, in which in the appendix to the minutes it was mentioned how much food stuffs and other raw materials should be furnished to Germany?

A Offhand I can not remember the whole thing.

Q I present a document to you which is signed by you and which serves asproof of evidence of this meeting.

A Yes, I remember this.

Q You remember that you sent out this document, don't you?

A Yes.

Q On the basis of the document it is clear that certain figures were settled as to how much should be sent to Germany from France, 1,200,000 tons of food stuffs; from Belgium; from the Netherlands; from Norway; from Russia, 3,000,000 tons of grain had to be sent to Germany; and so forth. Don't you consider that such shipments are really pillaging of the occupied countries?

A It was quite understood that the occupied territories had to help with food, and in all the occupied territories quotas were established which they could fill; that is to say, if they were not in a position to fill these quotas they could demand changes.

Q You were saying something about pillaging, I think?

A No, I have not said pillaging. It was understood that the territories had to help also with respect to food.

Q That the occupied countries had to participate?

A Yes.

Q Did these occupied countries ask Germany to come and rule over them?

A I did not quite get that question.

H0081 - 0040

Q That is quite evident. Here, I want to ask you anbther question in connection with this. You don't recognize that this was pillaging, but don't you recall that Goering himself --

A No, that could not have been.

Q Goering himself at the same meeting, during this meeting which you recall now, said in his address that he is going to pillage aggressively the occupied territories; you don't remember his expression about pillaging aggressively?

A No, that expression I do not know.

Q No, you don't remember. Perhaps you can recall that at the same meeting, addressing those leaders of the occupied countries, that he told them that, "You are sent there not to work for thewelfare of the people you are in charge of, but you are sent there in order to pump out from thatcountry everything that is possible." Do you remember that statement by the Defendant Goering?

A No, I can not remember that statement.

Q You cannot remember?

A No.

Q And you don't recall any lengthy correspondence between Goering and Rosenberg in which Rosenberg insisted on the fact that all functions relative to the economic exploitation of the occupied territories of the Soviet Union should be taken away from the economic military organs and should be handed over to the ministry headed by Rosenberg?

A No, I do not recall that letter.

Q You don't know. And in connection with this you don't remember that this correspondence finally didn't settle the question; still didn't settle the question?

A I don't know about that correspondence; at least I have not seen it.

Q You don't know anything, do you? In 1944 don't you recall that --

DR. STAHMER: I would like to point out one thing: The interrogation is incomplete and hard to understand; we do not understand the questions in part ourselves.

GENERAL RUDENKO: Evidently I think that it is not up to me; it is not my fault if the witness does not get all my questions.

H0081-0041

BY GENERAL RUDENKO:

Q Don't you recall that in 1944, after the Red Army had driven the German troops from the Ukraine, Goering wrote to Rosenberg in settling the question relative to the economic exploitation of the Ukraine, stating it should be postponed until a more opportune time, and Goering mentioned the second seizure of the Ukraine and other Soviet territories. Is that what he had in mind?

A That is supposed to have happened in 1934?

Q In 1944.

A No, I can not remember that.

Q I shall not argue about it.

GENERAL RUDENKO: Evidently, Mr. President, you consider it necessary to adjourn now. I have a few more questions, but I consider it would be convenient to resume after the adjournment.

THE PRESIDENT: Yes.

(A recess was taken until 1400 hours).

H0081-0042

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 12 March 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: The Court will adjourn at 4:30 today.

BY GENERAL RUDENKO:

Q Witness, I intend to give you a document which consists of a letter from the secretary in charge of the foreign affairs dealing with occupied countries, which is Document USSR 74. I want you to recollect whether you have ever seen this document and whether you have ever received the letter contained in that document.

As you see, this document begins with the words:

"Honorable State Secretary, Dear Party Comrade."

The letter deals with the Nazification and the application of economic measures.

A I am taking notice of this document. I am taking it for granted that I have received this document.

Q Yes, you have received this; it is quite obvious. It is quite clear that the letter dealt with the question of having a special meeting under your chairmanship. Thus, is my conclusion correct that you were a very close assistant of defendant Goering on the question of the application of the Nazi economic measures and economic leadership?

A Yes, at the conference mentioned.

Q Do you affirm that defendant Goering at plenipotentiary of the Four Year Plan was at the head of both the civilian and the military organs which dealt with the economic exploitation of those occupied territories which Germany had and that in these economic measures you were his closest assistant. Do you affirm or deny this?

A This conference which is mentioned in this document never took place. The problem of collaboration which arose of the economic activity of the occupied countries was met, and we never had this conference.

H0081-0043

Q This was permitted not because of the circumstances that depended on you but because of the oncoming offenses of the Red Army, was it not so?

A I did not understand the question clearly enough in order to answer it.

Q You say that the question has not been solved. I am telling you: isn't it a fact that the problem had not been solved because of the Red Army and not because of any decision or volition on your part.

A I believe at the time when this letter was sent there was no influence of this kind felt. The question which had been touched of the comprehensive organization of economic matters in occupied territories did not actually materialize because other influences and circumstances were against it.

H0081-0044

Q I do not plan to discuss this with you right now, these questions, but you still have not answered my last question. I am asking again, do you assert that Goering as the Plenipotentiary of the Four Year Plan was at the head of both the civilian and the military German organs which dealt with the economic exploitation of all the occupied territories? And do you affirm or deny that you were his nearest and closest assistant?

A As far as exploitation of occupied countries is concerned, we cannot deal with it in this manner. The Four Year Plan had the possibility to be connected with the occupied countries, but it was only done if it was absolutely necessary. In general it was concerned with internal problems, and those offices which in the occupied countries took care of economic matters were military or civil agencies. In the East, Rosenberg was concerned with this only if there was a matter between the military and the economic, or between departments at home if there was a dispute or a disagreement the Four Year Plan could be drawn in. The Reichsmarshal in those cases could make special decisions, but that was in very, very few cases.

At this conference that was mentioned today about occupied countries having to help supply foodstuffs for Europe, we had the right, since in the occupied territories, not only the East but also in the West, we put in many new developments in the line of agriculture. In the West I can point out --

Q (Interposing) What law are you discussing?

A I speak of the right which Germany had to take part in the economic produce, because we put in many new developments in these countries. I would like to point out in the East, the regions which had been completely devastated, which had no seed, no machines, and with greatest difficulty --

Q (Interposing) Who gave that right to the Germans?

A We speak of the right if we occupy a country and build it up to take part in the surplus, for all of Europe knew what countries we had occupied, and we knew the cares and problems that we had in the occupied countries.

Q I ask you once more, where did the Germans get the right?

A I am not a jurist. Therefore, I cannot answer the question.

Q I am talking again about the German rights.

A I am speaking only of the natural right that if we did any developing that we could share in the profits of this developing work.

H0081-0045

Q What did you do when you annihilated and plundered the territory?

A Germany did not devestate these countries, especially not in an agricultural country. In fact, we instituted great developments. In the West I remember that part of France was completely devestated --

THE PRESIDENT: (Interposing) Witness, you are going too fast. Can't you see the light?

A I beg your pardon.

In the West we did great developing services, so that through German organization, the Reichsland, we rebuilt these areas and repatriated French people to this territory and gave them the possibility to again function as peasants and to share in the agricultural production of the country. In the East we found territories which, through the efforts of the war, had been damaged greatly. There were no more machines existing. Everything had been taken away by the Russians, and all agricultural implements had been taken away or had been destroyed. There we had to start with the most elementary and primitive ways to start agriculture again.

But it was possible in the years of our occupation in the East to reinstate agriculture. German initiative and German machinery is to be thanked for this task.

BY GENERAL RUDENKO:

Q The German initiative also included a considerable number of concentration camps established in the occupied countries. Did that not also cover the extent of the German initiative?

A I was not concerned with that problem and cannot say anything about things I do not know about.

Q You are not sufficiently informed on concentration camps? It appears that you are quite well informed, or appear to be, on other economic measures as well as other social measures within the occupied territories.

A Naturally I know quite a bit about the

H0081-0046

rehabilitation of agricultural areas.

Q You still say you know nothing about concentration camps?

A That's right. I was not concerned with these matters.

Q The fact that millions of persons were being annihilated by the German occupation authorities -- about that you know nothing?

A No; I know nothing about that.

Q You know nothing about that?

A I have just found that out now.

Q Only now?

GENERAL RUDENKO: That's all.

BY DR. BOEHM (Counsel for the SA)

Q Mr. Witness, do you know that Heines was Chief of Police at Breslau?

THE PRESIDENT: I asked defendants' counsel at the end of the examination by Dr. Stahmer whether they wished to ask any questions, and they said they didn't offer to ask any questions. Therefore, it is not your turn now to ask any questions.

DR. BOEHM: I must say through the speech of Mr. Jackson that there was a point raised which I did not know of before, and that is the person of the Chief of Police, Mr. Heines. I request that I may be permitted to put two or three questions to the witness so that this question which we are concerned with may be clarified.

THE PRESIDENT: Very well. We hope you won't take too long.

DR. BOEHM: I will try to be brief, Mr. President. Thank you.

BY DR. BOEHM:

Q Witness, do you know that Heines was Chief of Police at Breslau?

A Yes.

Q You further know that as such the prisoners of Breslau were under his jurisdiction?

A Yes.

Q Do you further know that in the time at issue at which this Lager was erected, the Police prisons were overcrowded?

A That I don't know. I just mention the case of Heines as one of

H0081-0047

the camps which was established without the knowledge of the Defense Ministry.

Q Then do you know that Heines established this camp only in his capacity as Chief of Police?

A Yes, that may be.

Q Thank you very much.

THE PRESIDENT: Dr. Stahmer, have you any questions to ask?

DR. STAHMER: I have no further questions to put to the witness.

THE PRESIDENT: Then the witness can retire.

DR. STAHMER: With the permission of the high Tribunal, I wish to call as my next witness, General Field Marshall Kesselring.

(ALBERT KESSELRING, a witness, took the stand and testified as follows):

BY THE PRESIDENT:

Q Will you tell me your name?

A Albert Kesselring.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing?

(The witness repeated the oath).

DIRECT EXAMINATION

BY DR. STAHMER:

Q Witness, since when do you belong to the Luftwaffe?

A Since January 10, 1933.

Q What rank did you have when you came into the Luftwaffe?

A Up until that time I was colonel and a commanding officer of the artillery in Dresden. Then I was retired and as a commander of the Luftwaffe I went on from there.

Q You worked on the development of the Luftwaffe?

A In the first three years I was chief of the administrative office and with the General Staff, andthen was useful in allied fields.

H0081-0048

Q Did the development of the Luftwaffe proceed for defense or attack?

A The German Luftwaffe was purely a weapon of defense. I must add that each plane, as well as the total Luftwaffe, in their nature is of course an offensive weapon. Even in ground fighting if offensive without defensive is without success, then in the case of the Luftwaffe it is the same in a more intensified manner.

The Luftwaffe has its aims in a deep space, immaterial from defense or from attack, and this realization was with the Reichsmarshal and his generals.

It is clear that in the developing of an air force from the beginning only the lighter craft are developed or used as the first constructions. Therefore, up until the year 1936 we had 37 light airplanes, Stukas, fighters, and a few others, some old models, but they were models which weren't fit for bombat.

We may represent the attitude that the defense with these light craft can be successfully done, but I would like to cite the contrary example and point to the end of the World War where the German defensive air force was beaten up by the opposite air force.

THE PRESIDENT: Dr. Stahmer, the Tribunal thinks the witness is dealing in far too great detail.

H0081-0049

A I will continue. The offensive airforce was absent. We had no fighter planes until 1937 or 1938, and these fighters which were brought later had neither the range nor the fuel to serve as a weapon of conquest or an offensive weapon. We had no 4-motor jobs.

Q You were active in the attack on Warsaw?

A I was chief of Luftflotte 1 and led this attack.

Q Was this attack, according to the then given military situation, justified and how was this attack carried through?

A There were several attacks made on Warsaw. Warsaw was, according to German attitudes and conceptions, a fortress and also was being defended by air. Our hypotheses of the Hague Convention were not present in that case.

The first phase of the attack against Warsaw, according to the operative basis of the Luftflotte, was to combat a hostile airforce and the prepared airfields which were in the vicinity, and according to my opinion these attacks were justified.

In the second phase we were concerned with the operative movements, or changes, of the Poles. I would like to add that Warsaw was the central point of that part of Poland and we received news that ground troops and railroad stations were heavily supplied. Air attack against these movements was decreed and put through. It was directed at railway depots and bridges of the Vistula.

I would like to add that from my point of view the execution of this attack by Stukas and fighter planes was justified -- and I was in agreement with this -- because the precision attack of these weapons was presupposed and because we were mainly intent on war targets.

The third phase was concerned with the shooting of Warsaw. This attack was made by the army, and the air arm was used as a supplementary part. I myself was over Warsaw, and after each bombing attack I spoke with the men who took part, and can give personal reports as to this, that everything humanly possible was done to hit military targets only and not to hit civil targets.

Q Then, comprehensively, can you certify that these attacks were made because of military necessity completely?

H0081-0050

A Yes.

Q Were you also present at the attack on Rotterdam?

A As chief of airfleet No. 2 and the right wing, I made this attack against Holland, France, and had the air infantry corps under my command. General Student had pursued this attack and he is the only personality who saw the position of the ground troops, and the support by air was given to the Fourth Air Corps. The smallest troop units were made into groups which were to be deployed. The deployment and the execution and disposition took place completely and solely according to tactical requirements, according to technical possibilities. The demands on General Student were made very soon and came soon to my command.

Preparations were made according to plan and with ease. The troops knew about the situation and the possibility of change at Rotterdam and that the Reichsmarshal might intervene. We knew about this. We also knew that Panzer divisions were approaching. The target was singular and we knew all the details. The target was not to cause any difficulty, seeing we were all experienced. There was a connecting line between the general of my staff and the other staffs. We all knewjust what was going on, and this communication and connection was disturbed perhaps shortly, since all commands came from me or the Reichsmarshal. Owing to this line of communicatio and the then existing state of technology, there was a possibility of keeping the tactical connection between the ground troops and the air arm. Then the customary connection as far as signals were concerned was regulated and there was to be no difficulty from that score.

Q That was the order, that the situation and target was to be--

A I myself never had a personal doubt that the attack was to be carried through, only perhaps whether it would have to be repeated under certain circumstances.

To clarify the question: if we know the personality of this general and the technique of his leadership, his clear demands, we can count on the execution of this air plan. This attack was carried through according to plan and in time, and our knowledge that everything was under control was complete.

H0081-0051

We had the report that further attacks were not necessary. The men in charge of the Luftflotte during these three days of combat in Holland were kept posted on all matters, and the Reichsmarshal, especially on the third day, that is, the date on which I am talking of now -- he intervened in the leadership of it and did everything that could be done from a position of such high leadership. I cannot recall a report that the bombing attack was not in accordance with the course of events of the tactical situation.

Q Have there been bombings while capitulation talks were in progress?

A There was no report to the office, and the squadron which was above Rotterdam had no such information. It might have been that there was confusion in Rotterdam itself, confusion about which I know nothing, and I don't know of the agreements that were made between General Student and the Holland people. At a conference which I attended later I could not carry through, because the General had a brain injury.

If the attack -- this is my inner conviction -- is not what it should have been, then I am very sorry. As a soldier of twenty-two years, as an artillery man, as a flyer, and as a man of long leadership I would like to state here emphatically that if this took place, this case is to be counted among those which is really an accident of war, and if the outside world does not know it, it happens to every country and much more frequently than one would expect.

Q How can we say that many fires originated in the city?

A According to the report, I was impressed, and this is something of experience, that in this war devastations did not take part so much through bombing as through fire. I am very sorry to say a bomb hit a power magazine for oil and the fire was spread that way. After the attack, after a state of capitulation had been declared, the fire fighting should have stopped the fire.

H0081-0052

Q What military consequences did this attack have?

A The immediate consequence was the capitulation of troops. General Wenninger, who had been air chief, was with me, and he told me the immediate consequences of that was the capitulation of the Dutch Army.

Q In November, 1940, did you lead the attack on Coventry?

A I have, doubtlessly, as chief of the air forces, too, participated in that attack. At the moment, I cannot say whether Air Force 3 was not there too, but I did it.

Q What was the purpose of the attack?

A Conventry was, according to our files, target files; with the archieves of the commander in chief of the air force, it was a typical industrial center and we called it "Klein-Essen," (little essen). These files, archives, have been compiled by experts, engineers, officers very carefully and methodically and they contained cards, maps, and key points, descriptions, etc. These details were known to me and the troops very thoroughly, -- besides General Wenninger, who I mentioned before, who was responsible very often to the troops about the particular targets and the effectiveness of their operations.

The preparations of attack were very methodical, extraordinarily so. I have myself assisted and supervised, and the Reich Marshal himself has examined these preparations. In the case of Coventry the conditions were very simple, since the nights presented good weather conditions and without radio navigation we could find Coventry. When the target distribution of Coventry was simple one could see what one could hit, so that the missing of the targets was impossible, practically impossible, but the bombing itself depends on the same rules and all the basic statistics of all shooting by weapons. During the war this experience was extraordinary and the particular characteristics of the air bombardment has to be added, that in particular cases a whole area has to be considered as a target and thereby a natural broadening of the target as a consequence. All bombings under the orders of the OB. D. L. were examined the next dayby photography, the taking of pictures, where the bombs landed subsequently. As I said, and as I said about Rotterdam, it is not so that the bombs destroyed the target but the destruction of the

H0081 - 0053

of the target was caused by fire, fire started by bombs. I do not know if I should not add some more. The Convention of the Hague has taken into consideration aerial warfare to a very small extent. It is quite sure, that, too, if a target should be avoided, the highest office had to issue directives which was the basis of the preamble of the Convention of the Hague, and the literature which was published after takes into account the particular characteristics of the air force. The target was considered by us admissible according to international law. Itdid not exclude that from our side, and in particular cases, examinations and investigations were made, and in detail, however, we have assumed the responsibility that our organization was ordered, by personal visits, to take care of the preparation of the bombings, the target designation and the meteorological details so methodically so that a very high amount of exactness could be expected.

In the case of Coventry, I was very happy that this had been selected for the simple reason that here there offered itself a target which was not to be hit by a terror attack but an important military objective.

DR. STAHMER: I have no more questions.

THE PRESIDENT: Does any other defense counsel wish to ask questions?

DR. LATERNSER: Dr. Laternser, counsel for the General Staff and the OKW.

BY DR. LATERNSER:

Q. Witness, since when were you commander in chief of an army group?

A Commander in chief of an army group, I was that since September, 1942, after I had been commander in chief of the troops, andI had certain experiences on tactical questions.

Q That is to say, the army group which you led was in Italy?

A The army group was in the Mediterranean area.

Q You heard of the group of the General Staff andthe OKW, as the prosecution has called them, you have probably heard about that?

A Yes.

Q I have one third question. What does one mean in speaking about the German General Staff, that is to say, of the individual parts of the

H0081 - 0054

Wehrmacht?

A The General Staff of the individual parts of the Wehrmacht represents a group of those officers within the part of the Wehrmacht who as assistants of the leadership, have to carry part of the responsibility.

. Would you like to tell us how this group was constituted within the air force and what offices were included?

A The General Staff of the Air Forces was parallel to the General Staff of the army and it was equal to that just like one after the other. The General Staff consisted of the central office, of Fuehrungs Stab (Leadership Office) with the Chief of Staff, the Fuehrungs Stab (Leadership Departments), organizati nal groups, the General Quartermaster's office, and so on. The individual command divisions all the way down to the division; and on the side of the ground organizations, the Air Gaus, had interstaff offices and assistants of the leadership, of the leaders. The co-responsibility of the Chief of the General Staff was incompatible at the time with the leadership as such. The Chief of the General Staff of the lower and higher divisions, had great influence on all the general staff officers without thereby impairing the responsibility of the military officers.

. If I may summarize your answer, that is to say, that the General Staff of the Air Force can be understood to mean the Chief of the General Staff of the Air Force plus the General Staff officers of the troops, then, I believe I understand it correctly?

A Yes, perfectly.

. Now, in this trial, the group of persons whom you know, which is called General Staff here, do you consider this designation according to military language, do you consider this correct? Is that group of General leaders called General Staff?

A I have said before already, that the General Staff is a division of assistants of leadership in Germany, that is to say, that the commanders have nothing to do with that. According to German concepts, they did not fit into that organization and simply for that reason, that the leaders, the commanders in chief did not go that way of General Staff officers --

H0081-0055

the commanders were individual personalities. There is probably one way of grouping them, that is, the title and the pay, title generally.

Q Thus, therefore, if one summarizes the high military leadership as General Staff, then you would consider it wrong?

A No, according to German conception it is wrong.

H0081-0056

Q A similar connected link for high military position has never existed before within the realm of such German situation?

A Under German conditions such was not admissible for various reasons. The commanders-in-chief were not that sort of war counsellor or similar organization group for certain purposes. They did not have the individual or in-toto responsibility to the Reich Defense Council. They were responsible only to commander-in-chief of the sector or certain office. The grouping of the commanders-in-chief for any results was impossible, according to my opinion, because, in the first place, the condition was entirely different. First, either they were under the commander-in-chief of the Army, or the Air Force, or the Navy, or the Wehrmacht, as such then they were one hundred percent under the German high command. Others were one hundred percent under the allied high command -- the Axis command. Then there were the independent commanders, independently from the commander-in-chief of the Army, and others who were independent of Army groups.

Q You speak too fast. Did the commanders-in-chief, did they only have to do with the education of military problems as they were presented to them, or did they develop their own plans to present them to Hitler?

A The commanders-in-chief were personalities of military leadership only, and only responsible for the status to which they were appointed; within that area they could make improvements, and note any suggestions or changes for improvement to the OKW; with the OKW there was no political definite reporting or collaboration.

Q You just mentioned improvements or changes. Does that mean only military and tactical directions or improvements, or did such suggestions also, I shall say, did they have to do with the "if"?

A No, only military tactical positions, and in a similar case the "if" was discussed, unless the higher officer decided, then the auditorium kept quiet.

Q I shall come later to this point. The group of the general staff, in such discussions there, did they ever meet collectively?

A No.

Q Did they at any time introduce any directive in the organization for this group?

H0081-0057

A No.

Q Were there ever made suggestions by members of this group to deviate from the International Law?

A I believe not, rather the opposite.

Q Did the official positions which were in this group, were these positions changed, did they change them, or were they intact in that position?

A During the last years there were a great use of changing commanders and commanders-in-chief.

Q What do you know about the conference which took place between Hitler and the High Military leaders?

A We will have to distinguish between two kinds. One: consisted of an address before the campaign was started to the higher commanders who would take part in the campaign. The purpose was generally in the form of issuance of an order to these commanders, to inform them about the situation, and with the oratorical forces released by the Fuehrer, it was quite natural that he could not fear anything, particularly since they were not informed about the various matters in the background. Discussions did not take place, they were not admitted after such a question. Afterwards, sometimes, there was a military tactical conference, at which one of the commanders would put his deluge of commands forward. As I have mentioned, we never had any political questions, as it was not read, but we were put before a fact which we had to accept as soldiers.

Q You participated in a conference which took place with Hitler on 22 August 1939, that is shortly before the beginning of the Polish campaign?

A Yes.

Q At the end of this conference was not there a reference made according to which a treaty had been made with the Soviet Union and concluded?

A At the end, after the address, all the gentlemen were called together, and told that a report had just been received, according to which the Russians willhave a benevolent neutrality.

Q What impression did that report give the higher military leaders?

A So far as I am concerned, and what I know of the others, that was a leading contention. In any other case there was the possibility of extending

H0081-0058

the war treaty east, at least, we could not deny the possibility. However, if Russia was no more to be considered, then speaking as a leader of the Airforce, at least for the Airforce, there was a balance given which guaranteed a short decisive victory, and beyond that, it meant it would not make necessary the extending of the Fuehrer's operation.

Q At any rate, you had received this with quite a great relief?

A Yes.

Q Did you know as to whether members of the group of the general staff of the OKW had met with the high politicians, and also the Party people?

A If I can speak for my presence, I was in the Mediterranean area, as well as in the West. I had to cooperate, and I was depending on the cooperation of the high kommissar Gauleiter Hofer, and there was a Gauleiter on my back --

Q I want to know whether the high military leaders met with the high politicians, and where the conference took place, and if any political plans of any kind?

A No, no. That I can definitely say that was not the case. Soldiers did not bother about politics. Politics by the politicians were made by them and we had to execute them.

Q This non-political education of the soldier, and the high political leaders as to use of them were used to that extent, weren't they?

A The high military leaders, as to them, that is a development which took place since the 18th Century in the German Army.

Q What do you know about the relations between the high military leaders, and the 5th Column?

A With the 5th Column, the military leadership never had anything to do with. That was below their level.

Q What impression did you gain from the conference which Hitler held before the beginning of the East campaign, as well as with the military leaders. Did you believe from the situation described to you that was was inevitable?

A I had a certain impression that the purpose and aim of that address to the milltary leaders was to convince them of the necessity as to a

H0081-0059

preventive war. That is to say, to attack before the mobilization and armaments in Russian fortresses would be harmful to Germany.

Q Could you give any reason how you came to that opinion, or impression during that conference?

A As I said before, these addresses were invariably going into one direction, as they gave a picture of the military general situation, the time, the element, a definite picture which was at any rate swift. I want to say here, in speaking of the Russian campaign, that I had no doubt at all, that I could not have any doubt at all until the last day practically of August, of any fight against -- during the last days I know I had no time or means to be informed about the entire situation of the Russian front, and I had so much to do in my own office --

THE PRESIDENT: Mr. Witness, Mr. Witness, will you go more slowly, please, and have some consideration for the interpreters.

BY DR. LATERNSER: I would like you to repeat the last answer, please.

A I could not doubt what was said, all the more, as I had been in the action against England as commander of the airforce, and had not the entire time of mine to inform myself about the entire situation of the Russian site, such as to judge for myself to quite --

Q Since this trial, it has been shown the commanders-in-chief are responsible for events which can hardly be avoided during a war. I should like to ask you to describe this day of the commander-in-chief, describe briefly the day of the commander-in-chief of the airforce, or the army?

A The Day, of course, according to the individual personality of the commander, if I may speak for myself I --

Q Mr. Witness, I ask you to be very brief.

THE PRESIDENT: Mr. Witness -- Dr. Laternser, surely that is accumulative to what the witness has already been saying, and likely to be very long. The description of the Day of a commander, this witness already said the commander had nothing to do with politics, and nothing to do with the staff. Why should we be troubled of what the commander's Day consists?

DR. LATERNSER: Mr. President, I should like to ask this question for the following reasons. Since his activities were very extensive, especially at

H0081-0060

the front, not every report, or each individual report put in there can reach him. The reports in his sector must of necessity go through the office which is accommodated for them, so that such reports which are of extraordinary importance, especially are important for the decision of military leadership for his plans on the front then.

THE PRESIDENT: Give it in that way then, rather than giving the witness a full day to describe it.

DR. LATERNSER: All right, I will put it that way.

Q Mr. Witness, in the translation of the extent of your activity as commander-in-chief, or of commanders-in-chief, in their reports because of preparations, could only such messages, which after examination by the office, be of such importance that they had to be presented to the commander-in-chief?

A Especially during combat, it was quite impossible that all the reports could be brought before the commander-in-chief. It was almost impossible, if I can talk about myself, that fifty to seventy percent of my time I had to be at the front. The amount of independence of the staff of the army, of the airforce, and the Navy command, had to be responsible within their own sectors, that is, to maintain their own responsibility.

Q Did you have the extensive activity of a commander-in-chief, and if so, was it possible that all reports of violations of International Law, of a minor or medium nature, would reach you?

A It had to be tried. It had to be attempted, whether any possible individual case or not; that it is very bad, and for the reason that I have mentioned before, because the commander-in-chief sometimes could not even be reached.

H0081 - 0061

Q In other words, in these cases the Commander-in-Chief had to be able to depend on his assistants.

A Yes.

Q From June, 1941, until November, 1941, you were Commander-in-Chief of an air fleet on the Eastern Front?

A Yes.

Q Do you have any knowledge about the extermination of Jews in the East?

A No, I know nothing about that.

Q Did you know anything about the activity of the Einsatzgruppen of the SS?

A No.

Q You didn't even know the names of these units?

A No.

Q Do you know anything about the regrettable order according to which Russian Commissars after their capture were to be shot?

A Of this order I heard at the end of the war. The air force did not have anything -- but the ground force -- to do with this matter. I believe -- and I can say it with almost absolute certain that the air force, not even in the way of reports knew anything about it. Even in the face of frequent contact with General Field Marshal von Bock with the Army leaders and commanders of Panzer groups, I did not hear anything about this order from these gentlemen.

Q Did you know anything about that Commando order

A The Commando order was known to me.

Q And what was your attitude with regard to that order?

A I considered such orders which reached me as commander-in chief in the Mediterranean area -- I did not consider them binding on me, but just as an order within which I had certain liberty, in this matter. And my position was that I as Commander-in-Chief had the right to decide whether it was a commander incident as a violation of international law or something which could be tactically explained, and the task was that the solution was that whoever wore uniforms and had a definite tactical job, if they were within the points of the Hague Convention were to be considered soldiers and to be treated as such.

Q The Commando order was therefore not used within your command?

A In one case, yes, it was, certainly -- but I cannot remember it.

H0081-0062

Q What case do you mean?

A I mean the case of Colonel Dostler.

Q The case of Colonel Dostler has already been mentioned in this proceeding. At that time did you know about that case? Were you informed?

A I have said as a witness under oath that I cannot remember that case. I do not believe that I was informed about that, for two reasons: First, because after conferences with my chief I found out that none of the three of us knew anything; and secondly, because just at that time by unsuccessful operations on the Southern Front I w s more out of my position than in it.

Q If you would have been asked in the case of Dostler to decide what would you have decided?

A I do not know the case as such well enough --

MR JUSTICE JACKSON: I don't think we can try Dostler's case or that this witness should give his conclusions, inasmuch as Dostler's case is being tried by a competent court and that issue is disposed of. I have no objection to any facts that inform this Tribunal, but his conclusion as to the guilt of his fellow officer is hardly helpful.

THE PRESIDENT: Particularly as he said he cannot remember.

DR. LATERNSER: I withdraw the question

Q Can you quote other cases where the Commando order was not applied in your territory?

A Small landings behing the lines south of Venetia. There were aerial landings north of Albende in the Genetial territory. There were smaller cases in the territory of Ortona. I am convinced that the troops understood the general view and acted accordingly.

Q You were Supreme Commander of an air fleet in the East. Can you tell me anything about the treatment of the Russian civilian population by the troops?

A Until the end of November I was in Russia. I can only say that the relations between the population and the troops was the best possible, that the field kitchens were placed at the disposal of the poor and the children, as it was the custom, and was a fact; and the high moral level of the Russian women was recognized by us. It was respected by German soldiers. And I know that the services of our doctors were often used by the Russian population. I remember this particularly, since we always had an ability to suffer pains. But

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war passed across the field of the Smolensk so rapidly that the whole territory made a peaceful impression. The farmers were working and every sign of peaceful life existed.

Q Are you aware of any crimes committed - sex crimes -- committed by German soldiers in the East? Are you aware of any cases of violations of international law and did you in such cases always use every means at your disposal to deal with them?

A At least I tried to. I did that since I was interested in preserving the reputation of the German Army, and I did it because I wanted to preserve the relations between us and the Italians. For those reasons I proceeded against German soldiers who violated any of these paragraphs with which we are here concerned. However, since I was aware that war is a nasty business and that as the years go by men become raw, I always considered it necessary to order preventative measures.

These preventative measures which I am sure the Allied Armies noticed on the spot when they marched through Italy -- I am referring to my various decrees for punishing violators which were generally and publicly known- these preventative measures prove the words which I have just spoken.

Preventative measures which I took included an order that towns -- or if that was difficult, at least the interior of towns -- were to be cleared of administrative officers, and that towns and centres should be fenced off.

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Furthermore, as far as anti-aircraft interests permitted, soldiers were to be accommodated in barracks or drawn together in a small order. Furthermore, that isolated cases which always caused such orders were summed upand any return leave journeys used to proceed in groups. Thus the supervising authority were given strict instructions, field police and military police were attached; they had summary courts martial attached to them.

The selling-out in Italy which played an important part was to be stopped -- it was to be stopped by a liaison with the Italian Government, and two large stores were to be established on the return route, where soldiers should be able to purchase certain goods. Certain punitive measures were introduced. Cases which were reported to me by the Italians or Germans were always taken care of. Perpetrators were prosecuted. When operations prevented my personal interference on the spot, I made it known that all cases would later on be prosecuted by me. And in other cases, when solution became difficult, I fixed the death penalty and set up special courts-martial. Few of these death penalties served to solve the problem, However, against any superiors who would protect their soldiers, I proceeded -- if they were too lenient in carrying out their tasks.

I believe that files referring to these things are all available and that the reports from the front reached police and law courts and so forth.

Q Witness, are you aware of any violations of international law on the part of your opponents?

A During my many visits to the front I did, of course, come across a large number --

GENERAL RUDENKO: I protest against putting the question in this way. From my viewpoint, the witness is not competent to conclude whether Germany's enemies have broken international law. I believe that this question should be put aside.

DR. LATERNSER: May I defend my attitude on that question? I am interested in having that question answered since subsequently I want to put the further question to the witness, whether after he heard of violations of international law from the other side he then failed to proceed against violators of international law on his own side. That is the reason I am anxious to have that question answered.

THE PRESIDENT: The Tribunal would like to know exactly what your question is and why you say it is competent.

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DR. LATERNSER: The exact wording of the question is as follows:

I request of the witness, Are you aware of violations of international law committed by the opposing side?

Depending on the answer he would give to that, I would then ask him the following question:

Whether after having discovered violations of international law by the opponents he took the attitude that violations of international law committed by his own men should for this reason either not be punished at all or less severely.

From the answers to these questions I want to draw conclusions on the attitude and views of a member of the group, and for that reason I consider the answers to these questions of extreme importance.

THE PRESIDENT: The Tribunal would like to hear what Counsel for the United States says about it.

MR. JUSTICE JACKSON: If your Honor please, I believe it is a well-established principle of international law that a violation on one side does not excuse or warrant violations on the other side. There is, of course, a doctrine of reprisal, but it is clearly not applicable here, on any basis that has been shown.

In the second place, even if the treatment of the subject-matter were competent, here is a broad question, "Did you hear of violations of international law?" It would at least, even if the subject were proper, require that some particularity of a case be given. A broad conclusion of a charge -- a violation of international law -- would hardly be sufficient to inform this Tribunal as to the basis on which this witness may have acted.

If there were some specific instance, with credible information called to his attention, there might be some basis; but merely the question as asked by Counsel does not afford a basis here.

It seems to me we are getting far afield from the charges here and that this is far afield from anything that is involved in the case. I do not know what particular atrocities or violations of international law are to be excused by this method. There must have been atrocities committed, on the basis of which there is sought to be excused atrocities committed by somebody else. Who else committed them, where they were committed -- is a subject we might have

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have to try if we went into this subject. It seems to me that the inquiry is quite beside the point and if it were, if there is any way that it is within the point, it is improper when put in this manner.

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DR. STAHMER: This question which is of principal importance has sometime ago already once been put before this Tribunal. It was when I applied to present "white books" in which reports about atrocities were contained. I think it was at the session of February 25.

At that time Professor Exner defined his attitude, expressed his views on that question and the Tribunal then permitted me to submit these "white books", subject to information on the subject of what out of these books was to be presented.

At that time the Tribunal's attention was drawn to the fact that the question whether atrocities were committed on the other side as well was important since this would primarily contribute information as to the German attitude and it would explain the German attitude, since the motive for the perpetration is also of decisive importance and important also for the findings. It will be necessary to realize that the perpetration on the German side will have to be judged differently, if in fact a perfectly correct procedure was adopted by the other side.

It is furthermore of importance whether in a case like this we are not concerned with reprisals.

Because of these considerations the question as was put here should at all events be of importance and be permitted to be put.

THE PRESIDENT: The Tribunal will adjourn for ten minutes.

(A recess was taken.)

H0081-0068

THE PRESIDENT: The Tribunal have considered the questions which Dr. Laternser proposed to put to the witness and have also considered the objections made by General Rudenko and Mr. Justice Jackson, and they hold the questions are inadmissible.

DR. LATERNSER: Mr. President, I assume that I may be entitled to put the following question.

BY DR. LATERNSER:

Q. Witness, have you not refrained fromprosecuting the violations of international law of your own men when violations of that law by your opponents were reported to you?

THE PRESIDENT: That seems to me to be putting in one question what before you put in two.

DR. LATERNSER: Mr. President, that question is meant to cause the witness to name violations of international law committed by the opponents. In having that question answered, I merely want to get at the typical views of the witness, namely, that as supreme commander he was anxious to prosecute all known violations of international law, although he had had reports about violations committed by the opponents.

I withdraw the question.

THE PRESIDENT: The Tribunal would see no objection in your asking the witness whether he was anxious to avoid violations of international law; if you wish to put that ques ion to him there willbe no objection to that question. The question which you have suggested putting is really identical with the questions you put before.

BY DR. LATERNSER:

Q. Witness, during this trial severe accusations have been made because of atrocities committed by German soldiers. Is not every soldier sufficiently well informed about international regulations, and has he not been instructed on that subject?

A I must asnwer that question in the affirmative. During the many addresses which I have delivered to my subordinate commanders, such pointers and instructions have continuously been issued.

H0081-0069

Q Did you, as commander of an army group, try to protect towns containing art treasures and churches?

A I regarded it as a matter of course and as a duty to respect cultural objects and art treasures of churches. I gave orders accordingly, and during my tactical actions my measures were designed in that respect,

Q What do you know about the treatment of prisoners of war who fell into German hands?

A Prisoners of war were treated according to international law, after certain controls which I had ordered to be carried out. If there were violations, the commandant in question was warned and these matters were terminated.

Q I have only three more questions.

Were you previously informed, as Field Marshal, that Italy would enter the war?

A No, I had not been informed about that. As far as I know, the entry of Italy into the war occurred so spontaneously that even the political leaders were surprised.

Q And were you previously informed that a declaration of war should be placed against America?

A No. I can't say anything about these questions.

Q And now the last question. What was the situation regarding the retirement of military leaders during the war?

A A resignation from the armed forces on one's own initative, or an application to resign from the armed forces, was not permissible. During the later years --that is to say, 1944--an order existed which threatened severest penalties and prohibited the exercising of those rights or any changes in theleading positions. The Supreme Commander of the Armed Forces reserved for himself that right, alone, and exclusively.

Q Did an order exist about that fact?

A Yes; I should so assume, yes.

DR. LATERNSER: I have no further questions.

BY PROFESSOR DR. JAHRREISS (Counsel for defendant Jodl):

Q Witness, you said, a little earlier, that the military commanders in the military field had the right and

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the possibility to put demands to the Supreme Commander of the Armed Forces, Hitler, and express their views. Did I understand that correctly?

A Yes.

Q Did you personally discuss matters--did you have differences of opinion with Hitler about matters referring to orders?

A In questions relating to operations, very considerable difficulties.

Q Were they actual conflicts?

A "Conflict" is probably saying too much; certain changes of opinion.

Q Shall we say quarrels, and frequently, if I understand you correctly?

A Yes.

Q After everything we have heard, Adolf Hitler must have been a fairly difficult customer.

A That must be admitted. On the other hand, I--I don't know why--was lucky enough to find him understanding as to the questions which I put up to him.

Q Didn't these quarrels with Hitler solve themselves?

A In critical cases I was asked for by General Jodl.

Q You mean when you couldn't get through?

A No, when he couldn't put his point over.

Q Then you were asked for, yes, I see.

Was Jodl also of a different opinion than Hitler?

A On various occasions when I reported, I found very definite differences of opinion between the two gentlemen, and I found that Jodl--who was our administrative superior in the OKW--acted with remarkable energy and presented his views. He adhered to his views right to the end.

H0081-0071

Q What do you mean, he was your representative at the OKW?

A The theaters of war, when I was a gneral in the armed forces, were so-called OKW theaters of war. Contrary to other army theaters of war, the East was an army theater of war, whereas the others were known as OKW theaters of war.

Q Did the OKW have no influence on theaters of war in the East, and did the Army have no influence in the OKW theaters of war? I don't believe that everybody will understand the difference.

A It is asking a bit much, since I myself didn't have enough understanding for that situation.

Q You, in other words, were in an OKW theater of war. What does OKW stand for?

A Supreme Commander of the Armed Forces. Immediate subordination of the supreme commander under Adolf Hitler, and then the command department under Jodl's staff of leaders.

Q In an original interrogation I talked about an order from the OKW. Who is OKW? Who gave these orders?

A Orders of a principle nature only originated from one person, and that was Adolf Hitler. The other personalities were executive officers, which did not exclude, however, the executive organs having their own conception or the conception of the army groups under their command. They could include the views of army groups, when they represented these army groups with Adolf Hitler.

Q That surprises me somewhat, what you are saying now. The opinion has been voiced that Jodl, whom you defined as a sort of administrative man, was a cheap tool of Adolf Hitler?

A I believe one doesn't exclude the other. I cannot imagine a marriage lasting six years without both sides making attempts to misunderstand. On the other hand, I can imagine that in every good marriage there must be frightful disputes.

Q But in a normal marriage the husband doesn't necessarily have to be a cheap tool, a willing tool.

A Here the situation is rather different. That comparison, that example, seems to limp, as all examples do, and, of course, it limps once more.

H0081-0072

In the military theory, we have the absolute subordination principle.

Q Yes, but what you just explained to me about the position of Jodl as administrator for the supreme commanders sounds to me as if Jodl would have to be the intermediary.

A Jodl in an incredible manner has always represented our interests, thus acting as an intermediary for everybody.

Q Did he also express his opinions, if they were opposed to Adolf Hitler's opinions, if Hitler published one of his orders?

A I can only say one thing, that during the few visits I paid to the HQ, when I saw Jodl get red in the face, that he expressed his views in such a way that I considered it just about bordering the possibilities a military person had.

THE PRESIDENT: The Tribunal will adjour.

(The Tribunal adjourned until 13 March 1946, at 1000 hours.)